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*and Anthony Herrera*

8

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 DONALD E. MITCHELL, JR.,

Case No.2:19-cv-00190-GMN-DJA

12 Plaintiff,

13 v.

14 J. BORROWMAN, *et al.*,

**MOTION FOR EXTENSION OF TIME  
TO RESPOND TO PLAINTIFF'S  
MOTION FOR RULE 11 SANCTIONS  
ECF NO. 42**

15 Defendants.

16 Defendants, Jennifer Nash, Ronald Oliver, and Anthony Herrera, by and through  
17 counsel, Aaron D. Ford, Nevada Attorney General, and Laura M. Ginn, Deputy Attorney  
18 General, move for an extension of time to respond to Plaintiff's Motion for Rule 11 Sanctions  
19 (ECF No. 42).

20 **MEMORANDUM OF POINTS AND AUTHORITIES**

21 Courts have inherent powers to control their dockets, *see Ready Transp., Inc. v.*  
22 *AAR Mfg, Inc.*, 627 F.3d 402, 404 (citations omitted), and to "achieve the orderly and  
23 expeditious disposition of cases." *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991) "Such  
24 power is indispensable to the court's ability to enforce its orders, manage its docket, and  
25 regulate insubordinate [] conduct. *Id.* (*See also Mazzeo v. Gibbons*, No. 2:08-cv01387-  
26 RLH-PAL, 2010 WL 3910072, at \*2 (D.Nev.2010)).

27 LR IA 6-1 discusses requests for continuances.

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1       The rule states:

2                     (a) A motion or stipulation to extend time must state the reasons  
3                     for the extension requested and must inform the court of all  
4                     previous extensions of the subject deadline the court granted.  
5                     (Examples: "This is the first stipulation for extension of time to  
6                     file motions." "This is the third motion to extend time to take  
7                     discovery.")

8                     This is the first request and is requested for good cause. Former Senior Deputy  
9                     Attorney General (SDAG) Brady was responsible for this case and recently left the Office  
10                    of the Attorney General on September 17, 2021. As a result of former SDAG Brady leaving,  
11                    this case is being reassigned to Deputy Attorney General (DAG) Alexander Smith.

12                    In Plaintiff's Motion for Sanctions, he makes ad hominem, offensive, and personal  
13                    attacks on counsel for the defense. Defendants shall respond and are considering moving  
14                    for sanctions due to Plaintiff's filings, especially in light of Plaintiff's previous filings.  
15                    Counsel is currently in the process of drafting a response, which will state that *after*  
16                    Defendants answered the amended complaint, Williams returned a request for  
17                    representation, and this was flagged on the Office's ProLaw database upon review of  
18                    Mitchell's motion for sanctions. Thus, the Office is in a position to enter a joinder to the  
19                    answer on behalf of Brian Williams, which it shall do shortly. John Borrowman still has  
20                    not returned his request for representation, thus NRS 41.0339(1)(a) prohibits the Office  
21                    from answering on Borrowman's behalf. Attorney Smith is attempting to contact  
22                    Borrowman by telephone and again via email and shall inform the court shortly as to the  
23                    results of this endeavor.

24                    As to Mitchell's motion for sanctions directed at Attorney Smith, both him and  
25                    Defendants oppose such a request and contend that this is yet another opportunity for  
26                    Mitchell to abuse his opponents, which Defendants will address in their response to the  
27                    motion for sanctions. First, the facts mentioned above in no way suggest any violation of  
28                    Rule 11(b). Second, Mitchell has failed to comply with the provisions of Rule 11(c)(2), which  
                         automatically moots his motion.

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1 Counsel submits that the recent change of attorney responsible for this case  
2 constitutes good cause for granting an extension of time to file a response to Plaintiff's  
3 motion. Also, Defendants need further time to look back through Mitchell's litigation  
4 history to identify any other possible unacceptable and inappropriate conduct of his and, if  
5 appropriate, move for sanctions or, at the very least, a warning from the court to cease  
6 using abusive and insulting language in his filings. Therefore, Defendants request  
7 additional time to respond to Plaintiff's motion, which will be due on **October 7, 2021**.

8 DATED this 23rd day of September, 2021.

Respectfully submitted,

AARON D. FORD  
Attorney General

By: /s/ Laura M. Ginn  
LAURA M. GINN (Bar No. 8085)  
Deputy Attorney General  
*Attorneys for Defendants*

Good cause appearing therein,  
IT IS SO ORDERED.

DATED: September 24, 2021

Daniel J. Albrechts  
United States Magistrate Judge

## **CERTIFICATE OF SERVICE**

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on September 23, 2021, I electronically filed the foregoing **MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S MOTION FOR RULE 11 SANCTIONS ECF NO. 42**, via this Court's electronic filing system. Parties who are registered with this Court's electronic filing system will be served electronically.

Donald Mitchell, #94796  
High Desert State Prison  
P.O. Box 650  
Indian Springs, Nevada 89070  
*Plaintiff, Pro Se*

/s/ Sheri Regalado  
Sheri Regalado, an employee of the  
Office of the Nevada Attorney General